

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:

**IN THE MATTER OF THE COMPLAINT)
OF THE AMERICAN MILLING COMPANY,)
UN LIMITED, H&B MARINE, INC., and) No. 4:98CV575-SNL
AMERICAN MILLING, L.P., a limited)
partnership for exoneration from or limitation)
of liability,)**

ORDER

The Court is in receipt of order of the United States Court of Appeals for the Eighth Circuit denying the petition for rehearing en banc. Absent the filing of a petition for certiorari to the United States Supreme Court, many issues before the Court need to be resolved.

The liability issues have been decided as well as the limits of liability as to some of the parties.

There are numerous individual claims that must yet be processed. At one point there were as many as 175 claims, but some have been abandoned and in other situations counsel have withdrawn and claimants purportedly are on a *pro se* basis.

It appears appropriate to schedule a hearing so that the principal parties whose liability has been established may participate together with counsel for individual claimants in a discussion to set out discovery schedules and the methodology for processing the individual claims.

On September 24, 1998 the Court entered an order appointing, for discovery purposes, a representative group of plaintiffs' attorneys. It consisted of William K. Holland, Phillip Cervantes and Stephen G. Kaludis. It may be necessary to continue with this representative group, or to consider another mode of conveying court notices at this stage of the litigation.

IT IS THEREFORE ORDERED that the Court will conduct a hearing on September 1, 2005 at 9:30 a.m. for the purpose of considering how best to process the claims of individuals and entities which remain outstanding. Any party or groups of parties may, but are not required to, file proposals by August

26, 2005.

IT IS FURTHER ORDERED that counsel for individual claimants be prepared to offer on or before August 26, 2005 appropriate methods for the Court or clerk to communicate with such counsel during the remainder of the litigation.

Dated this 13th day of July, 2005.



Stephen T. Linsburg
SENIOR UNITED STATES DISTRICT JUDGE